

SEP 12 2005

This facsimile message and its contents are legally privileged and confidential information intended solely for the use of the addressee. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying or other use of this message and its contents is strictly prohibited. If you have received this telecopy in error, please notify us immediately by telephone and return the original message to us at the address shown below via the Postal Service. Thank You.

## ALSTON&BIRD LLP

101 South Tryon Street, Suite 4000  
 Charlotte, NC 28280-4000  
 704-444-1000  
 Fax: 704-444-1111

### TELECOPY PLEASE DELIVER AS SOON AS POSSIBLE

## Date:

September 12, 2005

## Recipient:

Examiner L. Edmondson

## Company:

U.S. Patent &amp; Trademark Office

## Fax Number:

(571) 273-8300

## Voice Number:

## Sender:

Nicholas F. Gallo

## Message:

## -- OFFICIAL --

## Response to Restriction Requirement

Appln. No. 10/657,775

Filed: 08/29/2003

Group Art No: 1725

Restriction Requirement Dated: 09/06/2005

Number of Pages: (including cover page) 3

IF NOT RECEIVED PROPERLY, PLEASE NOTIFY US IMMEDIATELY AT 704-444-1000.

USER CODE: GALLN	REQUESTED BY: Grace Rippy
CLIENT/MATTER: 038190/268368	OPERATOR:

RECEIVED  
CENTRAL FAX CENTER

SEP 12 2005

Attorney's Docket No. 038190/268368

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Masingale Confirmation No.: 1830  
 Appl. No.: 10/657,775 Group Art Unit: 1725  
 Filed: 08/29/2003 Examiner: L. Edmondson  
 For: METHOD AND SEALANT FOR JOINTS

Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

## RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Office Action dated September 6, 2005, in which the Examiner has required restriction between Group I, namely Claims 1-46, Group II, namely Claims 47-55, and Group III, namely Claims 56-65. Applicant hereby provisionally elects with traverse to prosecute the claims of Group I (Claims 1-46) and expressly reserves the right to file divisional applications or take such other appropriate measures deemed necessary to protect the inventions in the remaining claims.

Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned so that further examination of this application can be expedited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Appl No.: 10/657,775  
Amdt. dated 09/12/2005  
Reply to Restriction Requirement of 09/06/2005

Respectfully submitted,



Nicholas F. Gallo  
Registration No. 50,135

**Customer No. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U. S. Patent and Trademark Office at Fax No. (571) 273-8300 on the date shown below.



Grace R. Rippy

September 12, 2005

Date